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EXAMINER

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/693,346 | <b>Applicant(s)</b><br>ISLAM ET AL. |  |
|                              | <b>Examiner</b><br>FAYYAZ ALAM       | <b>Art Unit</b><br>2618             |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 December 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

This action is in response to applicant's amendment/arguments filed on 12/11/2007. **This action is made FINAL.**

### ***Response to Arguments***

Applicant's arguments, see pgs. 17-18 and 21-22, filed 12/11/2007, with respect to the rejection(s) of claim(s) 1-39 under Feder et al. as modified below have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of **Soderbacka et al. (USPN 2003/0114158)**.

Please also see rejections of claims 1, 7, 11, 18, 23, and 30.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claims 1 - 5, 36, and 38** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Feder et al. (U.S. Application # 2004/0142693)** in view of **Einola et al. (International Publication # 01/22764)** and further in view of **Soderbacka et al. (USPN 2003/0114158)**. .

Consider **claim 1**, Feder et al. disclose a method of selecting a system (read as base station transceiver system; see abstract) in a mobile station comprising:

scanning the environment for available communication systems (read as base station transceiver system; see abstract) to provide service for the mobile station;

checking (read as identifying) each available system (read as base station transceiver system) detected in step S10 (see figure 2), to a list of allowable systems in the mobile client (read as mobile station; see [0020]) and determine if the systems are valid according to a Service Level Agreement or SLA from the primary service provider

(read as identifying a base station that provides a predetermined service and by default identifying base station that fail to provide the predetermined service; [0020 - 0021]);  
and

selecting a 3G system (read as first base transceiver station) over WLAN system (read as second base transceiver station) since SLA from the service provider prefers a 3G system (read as second base transceiver station fails to provide the predetermined service; [0052]). A preference level is set by the service provider, which prefers a 3G system (based on data rate, signal quality, etc.; see [0059 - 0068]) to any other system and is hereby construed as selecting a first base station since the second base station, i.e. WLAN system and station, fails to provide the 3G or greater service. In addition, Feder et al. further disclose a rule table (see [0073] and table 3) to store in the mobile client to select a system that is a 3G system (read as first system) when there is a choice between a 3G<sub>LOW</sub> and an 802.11<sub>LOW</sub> (read as second base station). For clarity, referring to paragraph [0062] if the  $E_c/I_o$  measurement is -9dB (read as better than a minimum threshold) for a 3G system (read as first base station) and -7dB for a 802.11 system (read as second base station) while being in the same range "LOW" a 3G system will be selected based on rule table 3 even though the signal quality is better for the 802.11 system (read as the first base station transceiver system has a signal quality that is greater than a minimum threshold, even if the signal quality is less than that of the second base station transceiver system).

However, Feder et al. fail to disclose second base station provides a communication service that is less than the 3G or greater communication service.

In the related field of endeavor, Einola discloses a GSM base station (read as second base station that fails to provide 3G or greater communication service) (see pg. 12, lines 19 - 21).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Feder et al. with the teachings of Einola in order to assist the base station in the handover process and reduce the burden of processing at the mobile station.

However, Feder as modified by Einola discloses all the limitations including measuring a first and energy to interference ratio of the first and second transceiver system (see [0031; 0045]; fig. 1) but does not explicitly disclose a first and second cellular base station and a mobile telephone in cellular network.

In the related field of endeavor, Soderbacka discloses a mobile terminal (read as mobile telephone) identifying a 3G base station (read as first cellular base station) and a 2G base station (read as second cellular base station) (see fig. 1)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Feder and Einola with the teachings of Soderbacka in order to provide inter-system handover for a cellular network.

Consider **claim 2** as applied to claim 1, Feder et al. fail to disclose second base station transceiver system provides a second generation communication service.

In the related field of endeavor, Einola discloses GSM network (read as second base station that provides second generation service) (see pg. 12, lines 19 - 21).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Feder et al. with the teachings of Einola in order to assist the base station in the handover process and reduce the burden of processing at the mobile station.

Consider **claim 3** as applied to claim 1, Feder et al. disclose a set of ranges for  $E_c/I_o$  measurements (read as signal quality; [0059]) and based on the ranges, system (read base station) priorities are set as “High”, “Medium”, and “Low” (see [0059 - 0068]) and thus a system is selected (read base station). In addition, Feder et al. further disclose a rule table (see [0073] and table 3) to store in the mobile client to select a system that is a 3G system (read as first system) when there is a choice between a  $3G_{LOW}$  and an  $802.11_{LOW}$  (read as second base station). For clarity, referring to paragraph [0062] if the  $E_c/I_o$  measurement is -9dB (read as better than a minimum threshold) for a 3G system (read as first base station) and -7dB for a 802.11 system (read as second base station) while being in the same range “LOW” a 3G system will be selected based on rule table 3 even though the signal quality is better for the 802.11 system.

Consider **claims 4 and 5** as applied to claim 1, Feder et al. disclose that a user initially subscribes and then receives a preference rule update from the primary service provider (see [0054]). Therefore the mobile station could be subscribed to any system or network, e.g. a 3G network (read as 3G communication service) initially. Then once the preference rules are stored in the mobile station the mobile can connect to a 3G system (read as first base station), if not already in a 3G system, according to the rules

in table 3 where a 3G system is selected even when the  $E_c/I_o$  measurement (read as signal quality) is better or worse than the initial system or network (read as second base station) (see [0059 - 0068] and table 3).

Consider **claims 36 and 38** as applied to claims 1 and 11, Feder discloses receiving, via the cellular RF transceiver, a message or parameters from the first and the second cellular base station transceiver systems which identify whether or not the first and the second cellular base station transceiver systems provide the 3G or greater communication service since a table is built at the mobile station as to what networks are available to the mobile station (see fig. 1).

However, Feder as modified by Einola does not explicitly disclose a mobile telephone and cellular base stations.

In the related field of endeavor, Soderbacka discloses a mobile terminal (read as mobile telephone) identifying a 3G base station (read as first cellular base station) and a 2G base station (read as second cellular base station) (see fig. 1)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Feder and Einola with the teachings of Soderbacka in order to provide inter-system handover for a cellular network.

**Claims 6 - 8, 16, 28, 37 and 39** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Feder et al. (U.S. Application # 2004/0142693)** in view of **Kingdon et al. (6,047,183)** and further in view of **Soderbacka et al. (USPN 2003/0114158)**.



Consider **claim 6** as applied to claim 1, Feder et al. fail to disclose acts of producing and sending a list of one or more handoff candidate identifiers to a serving base station transceiver system which excludes an identifier for the second base station transceiver system.

In the related field of endeavor, Kingdon et al. disclose MS (200) produces and sends a list of cell identities (read as handoff candidate identifiers) with strongest signal strengths (read as including certain base station identifiers and inherently excluding certain identifiers based on the selection criteria or services provided) to BSC (240) (read as serving base station transceiver) (see col. 4, line 66 - col. 5, line 9).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Feder et al. with the teachings of Kingdon et al. in order to assist the base station in the handover process and reduce the burden of processing at the mobile station.

Consider **claim 7**, Feder et al. disclose a method of selecting a system (read as base station transceiver system; see abstract) in a mobile station comprising:

scanning the environment for available communication systems (read as base station transceiver system; see abstract) to provide service for the mobile station;

checking (read as identifying) each available system (read as base station transceiver system) detected in step S10 (see figure 2), to a list of allowable systems in the mobile client (read as mobile station; see [0020]) and determine if the systems are valid according to a Service Level Agreement or SLA from the primary service provider

(read as identifying a base station that provides a predetermined service and by default identifying base station that fail to provide the predetermined service; [0020 - 0021]).

Feder et al. fail to disclose producing and sending a list of one or more handoff candidate identifiers to a serving base station transceiver system which excludes an identifier for at least one base station transceiver system based on its failure to provide the predetermined digital communication service.

In the related field of endeavor, Kingdon et al. disclose MS (200) produces and sends a list of cell identities (read as handoff candidate identifiers) with strongest signal strengths (read as including certain base station identifiers and inherently excluding certain identifiers based on the selection criteria or services provided) to BSC (240) (read as serving base station transceiver) (see col. 4, line 66 - col. 5, line 9).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Feder et al. with the teachings of Kingdon et al. in order to assist the base station in the handover process and reduce the burden of processing at the mobile station.

However, Feder as modified by Kingdon does not explicitly disclose first and second cellular base station providing a third generation or greater communication service and failing to provide a third generation or greater communication service, respectively.

In the related field of endeavor, Soderbacka discloses a 3G base station (read as first cellular base station providing a third generation or greater communication service)

and a 2G base station (read as second cellular base station failing to provide a third generation or greater communication service) (see fig. 1).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Feder and Kingdon with the teachings of Soderbacka in order to provide inter-system handover for a cellular network.

Consider **claim 8** as applied to claim 7, Feder et al. that the SLA preference from the service provider prefers a 3G service (read as predetermined communication service; 0052]).

Consider **claims 16 and 28** as applied to claims 11 and 23, Feder et al. fail to disclose acts of producing and sending a list of one or more handoff candidate identifiers to a serving base station transceiver system which excludes an identifier for the second base station transceiver system.

In the related field of endeavor, Kingdon et al. disclose MS (200) produces and sends a list of cell identities (read as handoff candidate identifiers) with strongest signal strengths (read as including certain base station identifiers and inherently excluding certain identifiers based on the selection criteria or services provided) to BSC (240) (read as serving base station transceiver) (see col. 4, line 66 - col. 5, line 9).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Feder et al. with the teachings of Kingdon et al. in order to assist the base station in the handover process and reduce the burden of processing at the mobile station.

Consider **claims 37 and 39** as applied to claims 1 and 11, Feder discloses if the first energy-to-interference ratio  $E_c/I_o$  is less than the minimum threshold, causing the second cellular base station transceiver system to be selected for communication over the first cellular base station transceiver system; and allowing a call to be established, via the cellular RF transceiver, through the selected first or second cellular base station transceiver system.

However, Feder as modified by Kingdon does not explicitly disclose establishing a voice call through cellular base station.

In the related field of endeavor, Soderbacka discloses a mobile terminal (read as mobile telephone) identifying a 3G base station (read as first cellular base station) and a 2G base station (read as second cellular base station) (see fig. 1)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Feder and Kingdon with the teachings of Soderbacka in order to provide inter-system handover for a cellular network.

**Claims 9 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Feder et al. (U.S. Application # 2004/0142693)** in view of **Kingdon et al. (6,047,183)** in view of **Soderbacka et al. (USPN 2003/0114158)** and further in view of **Einola et al. (International Publication # 01/22764)**.

Consider **claim 9** as applied to claim 7, Feder et al. as modified by Kingdon et al. fail to disclose the predetermined digital communication service comprises a Second Generation (2G) communication service.

In the related field of endeavor, Einola et al. disclose a GSM service (read as second-generation communication service; see pg. 11, lines 23 - 34).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Feder et al. and Kingdon et al. with the teachings of Einola et al. in order to provide handoff service to and from existing 2G service and not render the 2G wireless communication network obsolete which would be a waste of resources.

Consider **claim 10** as applied to claim 7, Feder et al. as modified above fail to disclose that the list is sent as part of one of an origination message, a page response message, and a pilot strength measurement message.

In the related field of endeavor, Einola et al. disclose CLASSMARK UPDATE message (read as one of origination message or page response message; see pg. 12, lines 21 - 26).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Feder et al. as modified above with the teachings of Einola et al. in order to use an existing technique to conserve resources.

**Claims 11 - 15, 17, 23 - 27, and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Feder et al. (U.S. Application # 2004/0142693)** in view of **Einola et al. (International Publication # 01/22764)** and further in view of **Pecen et al. (U.S. Publication # 2004/0097233)** and further in view of **Soderbacka et al. (USPN 2003/0114158)**.

Consider **claims 11 and 23** Feder et al. disclose a method of selecting a system (read as base station transceiver system; see abstract and figure 1) in a mobile station comprising:

scanning the environment for available communication systems (read as base station transceiver system; see abstract) to provide service for the mobile station;

checking (read as identifying) each available system (read as base station transceiver system) detected in step S10 (see figure 2), to a list of allowable systems in the mobile client (read as mobile station; see [0020]) and determine if the systems are valid according to a Service Level Agreement or SLA from the primary service provider (read as identifying a base station that provides a predetermined service and by default identifying base station that fail to provide the predetermined service; [0020 - 0021]);

and

selecting a 3G system (read as first base transceiver station that provides a third generation or greater communication service) over WLAN system (read as second base transceiver station that fails to provide 3G or greater communication service) since SLA from the service provider prefers a 3G system (read as second base transceiver station fails to provide the predetermined service; [0052]). A preference level is set by the

service provider, which prefers a 3G system (based on data rate, signal quality, etc.; see [0059 - 0068]) to any other system and is hereby construed as selecting a first base station since the second base station fails to provide the predetermined service.

However, Feder et al. fail to disclose second base station provides a communication service that is less than the 3G or greater communication service.

In the related field of endeavor, Einola discloses a GSM base station (read as second base station that fails to provide 3G or greater communication service) (see pg. 12, lines 19 - 21).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Feder et al. with the teachings of Einola in order to assist the base station in the handover process and reduce the burden of processing at the mobile station.

Feder et al. as modified by Einola et al. fail to disclose a controller, radio frequency (RF) transceiver circuitry coupled to the controller, the RF transceiver circuitry including a receiver and a transmitter, and the mobile station using the controller and the RF transceiver circuitry to select a base station transceiver system for communication.

In the related field of endeavor, Pecan et al. disclose a mobile station in a wireless communication system comprising a controller (206) and an RF transceiver (204) in the mobile station (see figure 2) to control the selection of a cell (see abstract).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Feder et al. and Einola et al. with the teachings of Pecen et al. in order to provide a hardware system to carry out the method.

However, Feder as modified above discloses all the limitations including measuring a first and energy to interference ratio of the first and second transceiver system (see [0031; 0045]; fig. 1) but does not explicitly disclose a first and second cellular base station and a mobile telephone in cellular network.

In the related field of endeavor, Soderbacka discloses a mobile terminal (read as mobile telephone) identifying a 3G base station (read as first cellular base station) and a 2G base station (read as second cellular base station) (see fig. 1)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Feder as modified above with the teachings of Soderbacka in order to provide inter-system handover for a cellular network.

Consider **claims 12 and 24** as applied to claims 11 and 23, Feder et al. fail to disclose second base station transceiver system provides a second generation communication service.

In the related field of endeavor, Einola discloses GSM network (read as second base station that provides second generation service) (see pg. 12, lines 19 - 21).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Feder et al. with the



teachings of Einola in order to assist the base station in the handover process and reduce the burden of processing at the mobile station.

Consider **claims 13 and 25** as applied to claims 11 and 25, Feder et al. disclose a set of ranges for  $E_c/I_o$  measurements (read as signal quality; [0059]) and based on the ranges, system (read base station) priorities are set as "High", "Medium", and "Low" (see [0059 - 0068]) and thus a system is selected (read base station). In addition, Feder et al. further disclose a rule table (see [0073] and table 3) to store in the mobile client to select a system that is a 3G system (read as first system) when there is a choice between a 3G<sub>LOW</sub> and an 802.11<sub>LOW</sub> (read as second base station). For clarity, referring to paragraph [0062] if the  $E_c/I_o$  measurement is -9dB (read as better than a minimum threshold) for a 3G system (read as first base station) and -7dB for a 802.11 system (read as second base station) while being in the same range, "LOW", according to paragraph [0062], a 3G system will be selected based on rule table 3 even though the signal quality is better for the 802.11 system.

Consider **claims 14 - 15 and 26 - 27** as applied to claims 11 and 23, Feder et al. disclose that a user initially subscribes and then receives a preference rule update from the primary service provider (see [0054]). Therefore the mobile station could be subscribed to any system or network, 3G (first base station) or 802.11 (second base station) (also read as predetermined service) initially. Then, once the preference rules are stored in the mobile station the mobile can connect to a 3G system (read as first base station) according to the rules in table 3 where a 3G system is selected even when

the  $E_c/I_o$  measurement (read as signal quality) can be better or worse than the initial system or network (see [0059 - 0068] and table 3).

Consider **claims 17 and 29** as applied to claims 11 and 23, Feder et al. disclose various 3G systems including cdma2000 (see [0016]).

**Claims 18 - 22 and 30 - 35** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Feder et al. (U.S. Application # 2004/0142693)** in view of **Kingdon et al. (U.S. Patent # 6,047,183)** in view of **Pecen et al. (U.S. Publication # 2004/0097233)** and further in view of **Soderbacka et al. (USPN 2003/0114158)**. .

Consider **claims 18 and 30**, Feder et al. disclose a method of selecting a system (read as base station transceiver system; see abstract) in a mobile station comprising:

scanning the environment for available communication systems (read as base station transceiver system; see abstract) to provide service for the mobile station;

checking (read as identifying) each available system (read as base station transceiver system) detected in step S10 (see figure 2), to a list of allowable systems in the mobile client (read as mobile station; see [0020]) and determine if the systems are valid according to a Service Level Agreement or SLA from the primary service provider (read as identifying a base station that provides a predetermined service and by default identifying base station that fail to provide the predetermined service; [0020 - 0021]).

Feder et al. fail to disclose producing and sending a list of one or more handoff candidate identifiers to a serving base station transceiver system which excludes an identifier for at least one base station transceiver system based on its failure to provide the predetermined digital communication service.

In the related field of endeavor, Kingdon et al. disclose MS (200) produces and sends a list of cell identities (read as handoff candidate identifiers) with strongest signal strengths (read as including certain base station identifiers and inherently excluding certain identifiers based on the selection criteria or services provided) to BSC (240) (read as serving base station transceiver) (see col. 4, line 66 - col. 5, line 9).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Feder et al. with the teachings of Kingdon et al. in order to assist the base station in the handover process and reduce the burden of processing at the mobile station.

Feder et al. as modified above fail to disclose a controller, radio frequency (RF) transceiver circuitry coupled to the controller, the RF transceiver circuitry including a receiver and a transmitter, and the mobile station using the controller and the RF transceiver circuitry to select a base station transceiver system for communication.

In the related field of endeavor, Pecan et al. disclose a controller (206) and an RF transceiver (204) in the mobile station (see figure 2) to control the selection of a cell (see abstract).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Feder et al. as modified above with the teachings of Pecan et al. in order to provide a hardware system to carry out the method.

However, Feder as modified above does not explicitly disclose first and second cellular base station providing a third generation or greater communication service and failing to provide a third generation or greater communication service, respectively.

In the related field of endeavor, Soderbacka discloses a 3G base station (read as first cellular base station providing a third generation or greater communication service) and a 2G base station (read as second cellular base station failing to provide a third generation or greater communication service) (see fig. 1).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Feder as modified above with the teachings of Soderbacka in order to provide inter-system handover for a cellular network.

Consider **claims 19 and 31** and as applied to claims 18 and 30, Feder et al. that the SLA preference from the service provider prefers a 3G service (read as predetermined communication service; 0052]).

Consider **claims 20 and 32** as applied to claims 18 and 30, Feder et al. as modified above fail to disclose the predetermined digital communication service comprises a Second Generation (2G) communication service.

In the related field of endeavor, Einola et al. disclose a GSM service (read as second-generation communication service; see pg. 11, lines 23 - 34).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Feder et al. as modified

above with the teachings of Einola et al. in order to provide handoff service to and from existing 2G infrastructure and not render the 2G wireless communication network obsolete which would be a waste of resources.

Consider **claims 21 and 33** as applied to claims 18 and 30, Feder et al. as modified above fail to disclose that the list is sent as part of one of an origination message, a page response message, and a pilot strength measurement message.

In the related field of endeavor, Einola et al. disclose CLASSMARK UPDATE message (read as one of origination message or page response message; see pg. 12, lines 21 - 26).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Feder et al. as modified above with the teachings of Einola et al. in order to use an existing technique to conserve resources.

Consider **claims 22 and 34** as applied to claims 18 and 30, Feder et al. disclose various 3G systems including cdma2000 (see [0016]).

Consider **claim 35** as applied to claim 30, Feder et al. as modified above to disclose that serving base station transceiver system utilizes the list of one or more handoff candidate identifiers to select one of the base station transceiver systems for communication with the mobile station.

In the related field of endeavor, Einola et al. disclose the BSC (18) utilizes the CLASSMARK UPDATE message (read as list) when a handover is deemed necessary

and it sends a HARD HANDOVER message containing the UMTS AN CM information (read as identifiers) to the MSC (20) (see pg. 12, line 8 - pg. 13, line 29).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Feder et al. as modified above with the teachings of Einola et al. in order to use an existing technique to conserve resources.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents  
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Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

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401 Dulany Street  
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Fayyaz Alam whose telephone number is (571) 270-1102. The Examiner can normally be reached on Monday-Friday from 9:30am to 7:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*Fayyaz Alam*

March 4, 2008

/Edward Urban/

Supervisory Patent Examiner, Art Unit 2618